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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,647	08/19/2002	Patrice Toillon	219872US2 XPCT	7484
22850	7590	10/18/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHANG, RICHARD	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/049,647	Applicant(s) TOILLON ET AL.	
	Examiner Richard Chang	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-69 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-38, 56-66 and 68-69 is/are rejected.
- 7) ☒ Claim(s) 39-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment and Arguments

1. Applicant's arguments and amendments with respect to claims 33-69 have been fully considered but are moot in view of the new ground(s) of rejection.

Claims 67-69 are newly added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 33-38, 56-66 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,421,348 B1 ("Gaudet et al.") in view of US patent application publication No. 6,233,236 B1 ("Nelson et al.").

Regarding Claims 33, 64 and 69, Gaudet et al. teaches a monitoring device (110) for a multi-channel numeric switch, the switch including a connecting interface for connecting physical connection circuits to a transmission medium (112), defining at least one of source and destination ports (121-133), and a processing unit (140) for carrying out selective switching of multi-field data grids between the different ports (121-133) comprising of a probe unit (138) coupled selectively to the connecting interface (150), and a monitoring unit (136) (see Fig. 1) configured to analyze contents of at least

part of the data grids probed by the probe unit (138), and configured to generate a warning signal when the part analyzed does not meet a selected condition (detection for invalidation) (See Fig. 1, Col. 6, lines 26-51).

Gaudet et al. teaches substantially all the claimed invention but did not disclose expressly the particular application involving limitations of " the connecting interface including a physical layer and a logical layer and the probe unit configured to observe data between the physical layer and the logical layer".

Nelson et al. teaches a similar method and apparatus for measuring traffic within a switch wherein the connecting interface including a physical layer (port-to-port interface in a switch) and a logical layer (SCSI or internet protocol layer) and observing data between the physical layer and the logical layer (measuring traffic between ports as IP frames) (See Fig. 1, Col. 4, lines 38-45).

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to combine Nelson et al. with Gaudet et al. in order to obtain a monitoring device for a multi-channel numeric switch and to take advantage of measuring traffic within a switch wherein the connecting interface including a physical port-to-port interface layer in a switch and a internet protocol layer as IP frames.

The motivation to do so would have been to measure traffic within a switch wherein the connecting interface including a physical port-to-port interface layer in a switch and a internet protocol layer as IP frames, as suggested by Nelson et al. in Col. 4, lines 38-45.

Regarding claims 34-35, as discussed above, this claim has limitations that is similar to those of claim 33 and Gaudet et al. further teaches that to analyze contents of at least part of a field of each grid (See Fig. 2, Col. 5, lines 49-67), thus it is rejected with the same rationale applied against claim 33 above.

Regarding claims 36-38 and 68, as discussed above, this claim has limitations that is similar to those of claim 33 and Gaudet et al. further teaches that to probe grids including at least one of a data field or a destination port address field, a source port address field or a virtual path identifier field (ATM frame) (See Col. 6, lines 1-15), thus it is rejected with the same rationale applied against claim 33 above.

Regarding claim 56, as discussed above, this claim has limitations that is similar to those of claim 36 and Gaudet et al. further teaches that to measure a length of each grid and to generate the warning signal when its measured length does not correspond to a predetermined length associated with its type this verification of length forming the chosen condition (length verification) (See Col. 1, lines 28-45), thus it is rejected with the same rationale applied against claim 36 above.

Regarding claim 57, as discussed above, this claim has limitations that is similar to those of claim 36 and Gaudet et al. further teaches that to make compatible at each port a number of grids that it transmits and a number of grids that it receives, so as to estimate for each port a rate of use (bandwidth verification) and to trigger invalidation of a connection between a port and the connection circuits to which it is connected when its estimated rate of use does not correspond to a predetermined rate associated with

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the type of grid of this port (table entry invalidating) (See Col. 1, lines 46 -55), thus it is rejected with the same rationale applied against claim 36 above.

Regarding claims 58-60 and 63, as discussed above, this claim has limitations that is similar to those of claim 33 and Gaudet et al. further teaches that to make compatible each generation of a warning signal associated with each port and to trigger invalidation of the connection between a port and to trigger invalidation of the connection between a port and the connection circuits when a number of warning signals generated made compatible for this port is higher than a threshold (See Col. 6, lines 26-51), thus it is rejected with the same rationale applied against claim 33 above.

Regarding claims 61-62, as discussed above, this claim has limitations that is similar to those of claim 33 and Gaudet et al. further teaches that to trigger rejection of the grid probed by the probe unit and to trigger the processing unit to reject the grid probed by the probe unit (See Col. 6, lines 26-51), thus it is rejected with the same rationale applied against claim 33 above.

Regarding claims 65-66, as discussed above, this claim has limitations that is similar to those of claim 33 and Gaudet et al. further teaches that ports of the switch being connected to machines and computers, including a flight management computer and a flight control computer (See Col. 1, lines 10-22), thus it is rejected with the same rationale applied against claim 33 above.

Allowable Subject Matter

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4. Claims 39-55 and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Reason for indicating Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art along or in combination fails to teach or make obvious the following limitations:

"the monitoring unit comprising a table of correspondence specifying for each port connected to the connection circuits a list of authorized grids comprising at least the ports with which the respective port can exchange the grids, and wherein the monitoring unit is further configured to compare contents of this table of correspondence to that of at least one of the fields of the grid being transferred, to generate the warning signal when its field or fields analyzed designate a port that does not have a correspondence with the source port transmitting the grid, this correspondence forming a chosen condition" as recited in the dependent claim 39 and independent claim 67.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RU

rkc

Richard Chang
Patent Examiner
Art Unit 2616


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER